

Amendment dated 01/23/2006
Office Action dated 10/27/05

Application No. 09/371,360

REMARKS

Claims 1-19 are pending. Claims 1-19 stand rejected by this Office Action.

Applicant acknowledges the withdrawal of the rejections of claims 1-6 under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, 18, and 19 are rejected by the Office Action under U.S.C. 103(a) as being obvious over US 4,937,743 (Rassman).

Regarding claim 1, Applicant is amending the claim to include the features of “compiling, by the processor, an ordered listing of additional components for implementation into the existing system, the ordered listing providing an order that is required for installing the components in the web architecture framework” and “modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase and that a proper functioning of the second set of components require an installation of the first set of components in the first phase.” (Emphasis added.) The amendment is supported by the patent application as originally filed, e.g., page 17, last paragraph – page 18, first paragraph and Figure 7.

The Office Action alleges (Page 3, section 3):

compiling a listing of additional components for implementation into the existing system/...compiles a listing of additional components for implementation into the existing system, (Col. 3, lines 7-11, [discloses that the resource information in the database can be updated to have the most recent data {resource information}]);

The Office Action further alleges (Pages 8-9, section 6):

As per claim 1, the applicant argues that Rassman merely teaches continuous updating of information for existing components and does not teach “compiling a list of additional components for implementation into the exiting system.” However, in Col. 7, lines 55-57, Rassman discloses that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in “Case abc”. These remaining components represent the additional component since they are components that can be implemented into the system at a different

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time as a first set of components. The applicant argues that Rassman does not suggest scheduling a second room to "Case abc", but rather to another case, eg. Case def. However, col. 7, lines 55-57 of Rassman shows that remaining operating rooms are scheduled in a similar fashion to that of "Rm 1" for "Case abc". However, it is not necessary for Rassman to show that Case abc is assigned another room as a resource component since it is already shown that each case can be assigned more than one resource, such as the name of the surgeon or the type of equipment being employed in Col. 8, lines 11-20.

However, Rassman fails to even suggest an ordered listing providing an order that is required for installing the components in the web architecture framework and consequently fails to suggest the feature of "compiling, by the processor, an ordered listing of additional components for implementation into the existing system, the ordered listing providing an order that is required for installing the components in the web architecture framework."

Regarding claim 1, the Office Action also alleges (Page 4, section 3):

modifying the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase/...modifies the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the rectangles labeled "Y" Two for phase two);

Rassman does disclose (Column 14, lines 9-27):

FIG. 6 shows a display of a prospective schedule for the beginning of the month of June 1987 for Projects X and Y and Resources 123, 223 and 224. Project X has two phases which can be partially overlapping. Project Y has three phases none of which can overlap. Resources 123, and 223 are used in phases 1 and 2 of Project Y. Resource 224 is used twice during phase 1 of Project X and in phase 3 of Project Y.

FIG. 7 shows the dynamic or actual events as of June 8, 1987 with respect to the schedule shown in FIG. 6. Phase of Project X did not begin on time and ended late. The late ending is indicated by arrow t in the "phase one" cell. That delay has caused a conflict to arise because Resource 224 cannot be used concurrently in phase 1 of Project X and phase 3 of Project Y. This conflict is indicated by indicia

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C-6, C-7 and C-8. The time is indicated by a screen background color change.
The interface between the two colors is the current time (t).

Rassman merely teaches indicia coding to indicate that a resource is used in a phase (e.g., resource 223 in "Y" two and resource 224 in "Y" Three as shown fig. 6) and to indicate a resource conflict (e.g., indicia C-6, C-7 and C-8 as shown in fig. 7). However, Rassman fails to even suggest indicia coding to indicate that resource 223 must be installed in order for resource 224 to function properly, and consequently fails to suggest the feature of "modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase and that a proper functioning of the second set of components require an installation of the first set of components in the first phase."

Applicant is similarly amending independent claim 7 to include the features of "a code segment that compiles an ordered listing of additional components for implementation into the existing system, the ordered listing providing an order that is required for installing the components in the web architecture framework" and "a code segment that modifies the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase and that a proper functioning of the second set of components require an installation of the first set of components in the first phase." Applicant is also amending independent claim 13 to include the features of "logic for compiling an ordered listing of additional components for implementation into the existing system, the ordered listing providing an order that is required for installing the components in the web architecture framework" and "logic for modifying the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in a second phase and that a proper functioning of the second set of components require an installation of the first set of components in the first phase." Thus, claims 7 and 13 are patentable for at least the above reasons. Claims 4, 5, 6, 10, 11, 12, 16, 17, 18, and 19 ultimately depend from claims 1, 7, and 13 and are patentable for at least the same reasons as discussed above.

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Thus, Applicant requests reconsideration of claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, 18, and 19.

Claims 3, 9, and 15 are rejected by the Office Action as being unpatentable over Rassman in view of US 5,208,765 (Turnbull).

Claims 3, 9, and 15 depend from claims 1, 7, and 13. Moreover, Turnbull does not remedy the deficiencies of Rassman. Thus, Applicant requests reconsideration of claims 3, 9, and 15.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: January 23, 2006



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